

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 55 has been cancelled. Claims 34, 40, 47, 54 and 57 have been amended.

This amendment changes, deletes and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2, 4, 8, 14, 17, 19, 23, 25, 26, 29, 34, 35, 40-54, and 57-66 are now pending in this application.

Claim Rejections under 35 U.S.C. § 112

Claim 34 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 34 was dependent on cancelled claim 32. In response, Applicants have amended claim 34 to depend from claim 40. Accordingly, Applicants request that the rejection be withdrawn and claim 34 be allowed.

Prior Art Rejections

Claims 2, 4, 8, 14, 17, 19, 23, 25, 26, 29, 34, 35, 40-43, 46-50, 53, 54, 60, 63 and 66 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,948,040 ("DeLorme"). Claims 44, 45, 51, 52, 58, 59, 61, 62, 64 and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLorme. Claim 55 was rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLorme in view of U.S. Patent No. 6,253,189 ("Feezell"). Claim 57 was rejected under 35 U.S.C. § 102(a) as being anticipated by "Foreclosure Search," a website published on January 25, 1999.

In response, Applicants have cancelled claims 55 and amended independent claims 40, 47 and 54. Further, Applicants respectfully traverse the rejection for the reasons set forth below.

Independent Claims 40, 47, 54

Applicants rely on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicants respectfully submit that DeLorme does not describe each and every element of the claims.

Independent claims 40, 47 and 54, as amended, are directed to a computer implemented method, a computer readable data storage medium, a system and a computer implemented network for communicating information concerning a target location for which a user seeks information from a server to a user’s computing/communication device communicatively connected to said server on a network. For example, the method as claimed in claim 40 includes the steps of “determining a said target location specified by said computing/communication device independently of a current physical location of said computing/communication unit and said server; providing contextual information, unrelated to said target location, about a characteristic of said user or said computing/communication device to said server; at said server retrieving from a database at least one of a plurality of categories of sponsored information provided by exclusive sponsors for said target location; and delivering said sponsored information to said computing/communications device over said network, wherein said sponsored information is determined in part based on said provided contextual information.” Independent claims 47, 54 and 55 recite similar limitations.

DeLorme does not disclose each and every limitation of claims 40, 47 and 54. DeLorme is directed to a travel reservation information and planning system. Users can use the system disclosed in DeLorme to create travel itineraries. *See* Abstract. However, DeLorme fails to disclose, teach or suggest “providing contextual information about a characteristic of said user or said computing/communication device, unrelated to said target location, to said server” and “delivering said sponsored information to said computing/communications device over said network, wherein said sponsored information is determined in part based on said provided contextual information” as claimed in independent claims 40, 47 and 54.

DeLorme discloses that the user selections relate directly to the point of interest (“POI”) being selected. Thus, DeLorme discloses that the user *only* provides information about the point of interest. The Office Action at p. 6 asserts that “Points of Interests” reads on the claimed contextual information. However, claims 40, 47 and 54 disclose that contextual information about a characteristic of the user or computing/communication device is provided to the server wherein the contextual information is unrelated to said target location. The contextual information can be, for example, user demographic information or information about the type computing/communication device being used, but is not related to a target location. As claimed in claims 40, 47 and 54, the additional contextual information is used to determine, in part, the sponsored information that is provided to the computing/communication device. Accordingly, DeLorme fails to disclose that contextual information, unrelated to the target location, is provided in addition to point of interest information.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Here, DeLorme fails to disclose claims 40, 47 and 54 in the requisite detail. Specifically, DeLorme does not disclose, teach or suggest “providing contextual information, unrelated to said target location, about a characteristic of said user or said computing/communication device to said server” and “delivering said sponsored information to said computing/communications device over said network, wherein said sponsored information is determined in part based on said provided contextual information.”

Accordingly, Applicants request that the rejection be withdrawn and independent claims 40, 47 and 54 be allowed. Further, claims 2, 4, 5, 8, 14, 17, 19, 20, 23, 25, 26, 29, 32, 34, 35, 41-46, 48-53 and 58-66 depend from one of claims 40, 47 and 54 and should therefore be allowed for the reasons set forth above without regard to further patentable limitations cited therein.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in DeLorme.

Dependent Claims 58, 59, 61, 62, 64 and 65

Dependent claims 58, 59, 61, 62, 64 and 65 should be allowed for the reasons set forth above without regard to further patentable limitations recited therein. For example, none of the references cited disclose, teach or suggest that said contextual information can be “demographic information related to said user, identification information related to said computing/communication device or subject matter of interest to said user” as claimed in claims 58, 59, 61, 62, 64 and 65.

In the Office Action, the Examiner rejects claims 58, 59, 61, 62, 64 and 65 citing Official Notice. This Official Notice is respectfully traversed. As asserted in M.P.E.P. 2144.03, “[i]t would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” Here, it is questionable whether the Examiner’s asserted facts were well-known at the time of invention and whether they are relevant to the claimed invention *as a whole*. Placing a cosmetic ad in a women’s magazine is entirely different from using a computerized method to deliver sponsored information to a user in real-time based in part on the user’s demographic information. Further, it is questionable whether cookies, as implemented at the time of the invention, read on the claimed limitation “providing contextual information, unrelated to said target location, about a characteristic of said user or said computing/communication device to said server” since, in general, cookies are parcels of information sent by a server to the client. Without some citation to a prior art reference, it is highly questionable whether, at the time of invention, one of ordinary skill in the art would have used cookies to arrive at the claimed invention. Thus, it is requested that the Examiner provide evidentiary support in the record as to the Official Notice taken, as per the guidelines set forth in the M.P.E.P., or rescind the Official Notice.

Independent Claim 57

Without agreeing or acquiescing to the rejection of claim 57, Applicants have amended claim 57 and respectfully traverse the rejection for the reasons set forth below.

Independent claim 57 is directed to a “computer implemented method of communicating residential real estate foreclosure information concerning a target location for which a user seeks residential real estate foreclosure information from a server to a user’s computing/communication device communicatively connected to said server on a network” comprising in addition to other elements/steps “determining a said geographical region specified by said computing/communication device independently of a current physical location of said computing/communication unit and said server wherein a network address of said computing/communication device is used as said geographical region data” (emphasis added). Accordingly, the claimed method allows a server to obtain geographical region information from a network address of a computing/communication unit.

In contrast, the Foreclosure Search website does not disclose, teach or suggest each and every element recited in amended independent claim 57.

On page five of the Office Action, the Examiner asserts that the Foreclosure Search website discloses determining a said geographic region by allowing a user to input a zip code. However, using a user inputted zip code to determine a geographic region is not identical to a method “wherein a network address of said computing/communication device is used as said geographical region data.”

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Here, the Foreclosure Search website fails to disclose each and every limitation in as complete detail as is contained in amended independent claim 57.

Accordingly, Applicants respectfully request that the rejection be withdrawn and independent claim 57 be allowed.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in the Foreclosure Search website.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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